

**When is a proposed chapter 16-250 WAC section or subsection considered “AAFCO and/or current WAC identical”?**

A proposed chapter 16-250 WAC section or subsection is considered “AAFCO and/or current WAC identical” when there are no substantive difference between a proposed section or subsection and its AAFCO and/or current WAC counterpart.

“Substantive difference”, in this context, would mean a real or essential or considerable difference.

Differences that **would not** be considered substantive are:

- Using a numbering system that is different from AAFCO
- Using different statutory or rule references
- Using different organizational titles
- Changing “shall” to “must”
- Differences resulting from purely editorial changes, for example, formatting differences or use of personal pronouns

**When is a proposed chapter 16-250 WAC section or subsection considered “substantially the same” as an AAFCO and/or current WAC section or subsection?**

A proposed chapter 16-250 WAC section or subsection is considered “substantially the same” as an AAFCO and/or current WAC section or subsection when there are only minor substantive differences between a proposed section or subsection and its AAFCO and/or current WAC counterpart.

For example, when rewriting a rule according to clear rule writing principles, the rewritten rule often reads differently than the original rule but the meaning, intent or requirement has not changed.

**When is a proposed chapter 16-250 WAC section or subsection considered “substantially different” from an AAFCO and/or current WAC section or subsection?**

A proposed chapter 16-250 WAC section or subsection is considered “substantially different” from an AAFCO and/or current WAC section or subsection when there are substantive differences between a proposed section or subsection and its AAFCO and/or current WAC counterpart.

“Substantive difference”, in this context, would mean a real or essential or considerable difference in meaning, intent or requirements. A substantive difference doesn’t equate with “good or bad”; it just means that we need to clearly explain why there is a difference. There can be legitimate reasons why our proposed rule has more or less requirements than an AFFCO or current WAC rule. We just need to make sure that we can explain the difference.

# Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003

## AAFCO Model Regulations

## Current WAC

## Proposed WAC

## Comments

<b>MODEL REGULATIONS FOR PROCESSED ANIMAL WASTE PRODUCTS AS ANIMAL FEED INGREDIENTS</b>	<b>WAC 16-200-890 Definitions—Animal waste products.</b>	<b>WAC 16-256-010 "Animal waste" and "processed" defined.</b>	Note: The existing WAC 16-200-890 through WAC 16-200-950, Rules Relating to Processed Animal Waste Products – Labeling and Registration were adopted in 1976. When RCW 15.53, Commercial Feed, was enacted commercial feed became licensed rather than registered. Therefore, though out the Animal Waste WAC, registration has been changed to license requirements, to comply with the RCW.
<p>The following Model Regulations have been developed by the Animal Waste Task Force after consideration of a number of state regulations on the same topic and after careful consideration of a number of regulatory options which might be open to a state control official. It represents the best judgment of the Task Force and is recommended, should any member state choose to adopt it for its use.</p> <p>Any State Control Official proposing to adopt the following Model Regulations, or regulate Processed Animal Waste Products and Animal Feed Ingredients under his own state feed law and regulations, should read carefully all of the <i>Federal Register</i> notice published by FDA on Recycled Animal Wastes (<i>F.R.</i> 45, No. 251, 86272-86276, Dec. 30, 1980), and the 1981 Recycled Animal Waste Committee Report.</p>			
<b>Regulation 1. Legal Authority</b> Legal Authority (designated specifically by each state to meet legal requirements: Section 10, Model Bill).			
<b>Regulation 2. Definitions</b> Definitions (in addition to those listed in the current issue of the Official Publication of AAFCO).			
	<b>WAC 16-200-890</b> (1) "Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.	<b>WAC 16-256-010</b> <b>"Animal wastes"</b> means a material composed of excreta, with or without bedding materials and/or animal drugs, collected from poultry, ruminants or other animals except humans.	Identical to current WAC and consistent with AAFCO
		<b>WAC 16-256-010</b> <b>"Lot identifier"</b> means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk feed the lot identifier is on a label, invoice, or shipping document accompanying the feed.	Added definition for clarity.

AAFCO Model Regulations		Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003																														
	Current WAC	Proposed WAC	Comments																													
	<b>WAC 16-200-890</b> (2) “Processed,” as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes which will enable the product to comply with the standards set forth in this order.	<b>WAC 16-256-010</b> <b>"Processed,"</b> as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes that enable an animal waste product to comply with the standards established in this chapter.	Substantially the same as current WAC																													
		<b>WAC 16-256-010</b> <b>Note:</b> Commercial feed containing raw or unprocessed animal waste is considered adulterated under WAC 16-250-120(3).	Added note to direct reader to section that prohibits the use of unprocessed animal waste as a commercial feed since this section only discusses processed animal waste.																													
		<b>WAC 16-250-205 Processed animal waste products identified.</b>	For clarity the proposed rule separated this information from the processed animal waste definition section.																													
	<b>WAC 16-200-890</b> (3) “Processed animal waste product” means a product which shall be specifically identified as follows:	A product is considered a processed animal waste product only if it meets one of the definitions in the following table.	<ul style="list-style-type: none"><li>Substantially the same as current WAC</li><li>For improved clarity, a table format was used</li></ul>																													
	(a) “Dried poultry waste - (DPW)” means a processed animal waste product composed of the feces from commercial poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.	<table><tr><th colspan="3">Processed Animal Waste Products</th><th></th></tr><tr><th>Product Type</th><th>Description</th><th>Thermal Dehydration Limit</th><th></th></tr><tr><td>Dried poultry waste (DPW)</td><td>A processed animal waste product composed of the feces from commercial poultry</td><td>Thermally dehydrated to a moisture content not in excess of 12.00 percent</td><td></td></tr><tr><td>Dried poultry waste-NPN extracted</td><td>A processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the crude protein derived from non-protein nitrogen (NPN) as urea and/or uric acid</td><td>Thermally dehydrated to a moisture content not in excess of 12.00 percent</td><td></td></tr><tr><td>Dried poultry litter-(DPL)</td><td>A processed animal waste product composed of a combination of feces from commercial poultry together with litter that was present in the floor production of poultry</td><td>Thermally dehydrated to a moisture content not in excess of 12.00 percent</td><td></td></tr><tr><td>Dried ruminant waste-(DRW)</td><td>A processed animal waste product composed of ruminant excreta</td><td>Thermally dehydrated to a moisture content not in excess of 12.00 percent</td><td></td></tr><tr><td>Un-dried processed animal waste product</td><td>A processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans</td><td>Contains in excess of 12.00 percent moisture</td><td></td></tr></table>			Processed Animal Waste Products				Product Type	Description	Thermal Dehydration Limit		Dried poultry waste (DPW)	A processed animal waste product composed of the feces from commercial poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent		Dried poultry waste-NPN extracted	A processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the crude protein derived from non-protein nitrogen (NPN) as urea and/or uric acid	Thermally dehydrated to a moisture content not in excess of 12.00 percent		Dried poultry litter-(DPL)	A processed animal waste product composed of a combination of feces from commercial poultry together with litter that was present in the floor production of poultry	Thermally dehydrated to a moisture content not in excess of 12.00 percent		Dried ruminant waste-(DRW)	A processed animal waste product composed of ruminant excreta	Thermally dehydrated to a moisture content not in excess of 12.00 percent		Un-dried processed animal waste product	A processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans	Contains in excess of 12.00 percent moisture	
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	(b) “Dried poultry waste - NPN extracted” means a processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the equivalent crude protein, NPN as urea and/or uric acid and which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.																															
	(c) “Dried poultry litter - (DPL)” means a processed animal waste product composed of a processed combination of feces from commercial poultry together with litter that was present in the floor production of poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.																															
	(d) “Dried ruminant waste - (DRW)” means a processed animal waste product composed of processed ruminant excreta which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.																															
	(e) “Undried processed animal waste product” means a processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans and which contains in excess of 12.00 percent moisture.																															

AAFCO Model Regulations	Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003 Current WAC	Proposed WAC	Comments
<b>Regulation 5. Labeling Requirements.</b>	<b>WAC 16-200-930 Labeling requirements of animal waste products.</b>	<b>WAC 16-256-030 Labeling requirements for processed animal waste products.</b>	
<b>Regulation 5.</b> A. The label, tag, or label invoice accompanying shipments of animal waste products shall contain all information as required by Regulation 2, Model Bill and Regulations.	<b>WAC 16-200-930</b> (1) General: The label, tag, or label invoice accompanying shipments of animal waste products shall contain information as required by chapter <a href="#">15.53</a> RCW and in addition shall include the following information:	<b>WAC 16-256-030</b> The label, tag, or label invoice accompanying shipments of animal waste products must contain the information required in RCW 15.53.9016, this chapter and the following information:	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 5.</b> C. Special labeling or warnings required, as appropriate: <ol style="list-style-type: none"> <li>If the product contains drug residues, then the label shall contain the following statement in boldface type: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 15 DAYS OF SLAUGHTER AND DO NOT USE 15 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND LAYING HENS."</li> </ol>	<b>WAC 16-200-930(1)</b> (a) If the product contains drugs or drug residues, then the label shall contain the following statement in boldface type at least one-half as large as the largest type appearing on the label: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 30 DAYS OF SLAUGHTER AND DO NOT USE 30 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."	<b>WAC 16-256-030</b> (1) If the product contains drugs or drug residues, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN THIRTY DAYS OF SLAUGHTER AND DO NOT USE THIRTY DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."	<ul style="list-style-type: none"> <li>Identical to current WAC</li> <li>Rewritten and reformatted for clarity</li> </ul>
<b>Regulation 5. C</b> 2. If the product contains high levels (25 ppm or greater) of copper, a maximum guarantee of copper and the following statement is required: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."	<b>WAC 16-200-930(1)</b> (b) If the product contains high levels (15 ppm or greater) of copper: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."	<b>WAC 16-256-030</b> (2) If the product contains high levels (15 ppm or greater) of copper, then the label must contain the following statement in boldface type at least one-half as large as the largest type appearing on the label: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."	<ul style="list-style-type: none"> <li>Identical to current WAC</li> <li>Proposed is more restrictive than AAFCO</li> <li>Rewritten and reformatted for clarity</li> </ul>
<b>Regulation 5. C</b> 3. If the product derives one-third (1/3) or more of the guaranteed total crude protein from non-protein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement: "CAUTION: USE ONLY AS DIRECTED."		<b>WAC 16-256-030</b> (3) If the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement: "CAUTION: USE ONLY AS DIRECTED."	Added to increase consistency with AAFCO and other states
	<b>WAC 16-200-930(1)</b> (c) Animal waste product labels, tags, or labeling shall contain the following guarantees in percentages by weight in the following order and form:	<b>WAC 16-256-030</b> (4) Animal waste product labels, tags, or labeling must contain the following guarantees in percentages by weight in the following order and form:	<ul style="list-style-type: none"> <li>Identical to current WAC</li> <li>Rewritten and reformatted for clarity</li> </ul> Order revised to increase consistency with AAFCO and other states (see AAFCO Processed Animal Waste Products As Animal Feed Ingredients Regulation 5B)
	<b>WAC 16-200-930(1)(c)</b> (i) Minimum crude protein (ii) Maximum equivalent crude protein from nonprotein nitrogen (NPN) (iii) Minimum crude fat	<b>WAC 16-256-030</b> (a) Minimum crude protein; (b) Maximum crude protein from nonprotein nitrogen (NPN); (c) Minimum crude fat;	<ul style="list-style-type: none"> <li>Identical to current WAC</li> </ul>

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## AAFCO Model Regulations

## Current WAC

## Proposed WAC

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<b>Regulation 5</b> B. In addition, it shall include the following information, in the list of guarantees, in following order, in percentages: 1. maximum moisture, following fiber guarantee. 2. maximum ash, following moisture guarantee.	<b>WAC 16-200-930(1)(c)</b> (iv) Maximum crude fiber ((viii) Maximum ash (ix) Maximum moisture	<b>WAC 16-256-030</b> (d) Maximum crude fiber; (e) Maximum moisture; (f) Maximum ash;	<ul style="list-style-type: none"> <li>Rewritten and reformatted for clarity</li> <li>Order revised to increase consistency with AAFCO and other states</li> <li>Identical to current WAC except order</li> </ul>
	<b>WAC 16-200-930(1)(c)</b> (v) Minimum and maximum calcium (Ca) (vi) Minimum phosphorus (P) (vii) Maximum sodium (Na) (x) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials). (xi) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and does not contain the warning "DO NOT FEED TO SHEEP").	<b>WAC 16-256-030(4)</b> (g) Minimum and maximum calcium (Ca); (h) Minimum phosphorus (P); (i) Maximum sodium (Na); (j) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials); (k) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and <b>does not</b> contain the warning "DO NOT FEED TO SHEEP").	<ul style="list-style-type: none"> <li>Identical to current WAC</li> </ul>
		<b>WAC 16-256-030</b> (5)(a) Lot identifier that is sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product. (b) Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for one year after the last date of distribution.	<ul style="list-style-type: none"> <li>Added lot identifier to allow traceability and recall. In addition FDA requires traceability under the Bioterrorism Act.</li> </ul>
	<b>WAC 16-200-930(1)</b> (d) Mixed feeds containing processed animal waste products as an ingredient shall state on the label the maximum percentage and type of processed animal waste product used in the mixed feed.	<b>WAC 16-256-030</b> (6) Mixed feeds containing processed animal waste products must: (a) State on the label the maximum percentage and type of processed animal waste product used in the mixed feed; and (b) Comply with additional labeling requirements under chapters 16-250, or 16-252 WAC for the species for which the product is mixed.	<ul style="list-style-type: none"> <li>Identical to current WAC</li> <li>Rewritten for clarity</li> </ul>
	<b>WAC 16-200-930(1)</b> (e) Processed animal waste product labeling shall contain as part of the product name the animal source and product type.	<b>WAC 16-256-030</b> (7) Processed animal waste product labeling must contain, as part of the product name, the animal source and product type.	<ul style="list-style-type: none"> <li>Identical to current WAC</li> </ul>
<b>Regulation 6. Testing Required</b>	<b>WAC 16-200-940 Testing required.</b>	<b>WAC 16-256-040 Testing requirements for processed animal waste products.</b>	
<b>Regulation 6.</b> A. The purpose of the sampling and testing requirements of this section shall be to determine the presence of harmful materials or biological contaminants specified in (State regulation) and to assure compliance with the quality standards in _____ of these regulations.	<b>WAC 16-200-940</b> (1) The purpose of the sampling and testing requirements of this section shall be to determine the presence of harmful materials or biological contaminants specified in WAC <a href="#">16-200-920</a> of this order and to assure compliance with the quality standards as set forth in WAC <a href="#">16-200-920</a> of this order.	<b>WAC 16-256-040</b> (1) The purpose of the sampling and testing requirements in this section is to determine the presence of harmful materials or biological contaminants specified in WAC 16-256-070 and to assure compliance with the quality standards in that section.	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten for clarity</li> </ul>

# Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003

## AAFCO Model Regulations

## Current WAC

## Proposed WAC

## Comments

<p><b>Regulation 6.</b> B. Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received. The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis. For example, 10 one-pound samples taken randomly from one day's production run or other identifiable lot, should be packaged in sealed airtight bags for prompt shipment to the analytical laboratory.</p>	<p><b>WAC 16-200-940</b> (2) Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received.  (3) The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis.</p>	<p><b>WAC 16-256-040</b> (2) Any person seeking or maintaining a commercial feed license for any processed animal waste product facility must:  (a) Test those products, by representative sampling; (b) Analyze those samples; and (c) Keep accurate records of the test results for two years.  3) The sample used must be of sufficient size to provide meaningful data that is statistically reliable.</p>	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>AAFCO includes an example and proposed rule doesn't</li> <li>Rewritten and reformatted for clarity</li> <li>Added time period for clarity. Time requirement is in current WAC 16-200-950 and proposed WAC 16-250-260</li> </ul>
<p><b>Regulation 6.</b> C. The registrant, manufacturer, or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements:</p>	<p><b>WAC 16-200-940</b> (4) The registrant, manufacturer, or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements:</p>	<p><b>WAC 16-256-040</b> (4) Before a processed animal waste product is distributed, the licensee must comply with the following sample and analyses requirements:</p>	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten for clarity</li> </ul>
<p><b>Regulation 6. C</b> 1. Analyses specified by the _____ to meet the requirements of the quality standards of _____ of these regulations shall be conducted on three sequential production runs to establish that the feed ingredient is consistently within the limitations specified prior to registration and/or sale of the processed animal waste product.</p>	<p><b>WAC 16-200-940(4)</b> (a) Analyses specified to meet the requirements of the quality standards of WAC <a href="#">16-200-920</a> of this order shall be conducted on sequential production runs sufficient to establish that the last three consecutive production runs of the feed ingredient are consistently within the limitations specified prior to registration and/or sale of the processed animal waste product.</p>	<p><b>WAC 16-256-040</b> (a) Sufficient testing and analyses must be conducted to ensure that the last three consecutive production runs are consistent with the required quality standards in WAC 16-256-070.</p>	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Proposed WAC does not contain "Optional" AAFCO requirement</li> <li>Rewritten for clarity</li> </ul>
<p><b>Regulation 6. C</b> 2. <u>Following the initial sequential testing, periodic analyses shall be conducted on production runs no less than one (1) each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards.</u> Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, shall be diverted to non-feed uses, or destroyed.</p>	<p><b>WAC 16-200-940(4)</b> (b) <u>Following the initial sequential testing, periodic analyses shall be conducted on production runs, no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards.</u> Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, or shall be diverted to nonfeed or nonfood uses, or destroyed.</p>	<p><b>WAC 16-256-040(4)</b> (b) After the initial testing is completed, periodic analyses (at least one analysis each calendar quarter) must be conducted on subsequent production runs. Less frequent testing may be allowed when the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests must be conducted when the analytical results show either a wide range of levels or levels close to established quality standard limits.</p>	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Rewritten for clarity</li> <li>Underlined portion of AAFCO and Current WAC correspond to proposed WAC 16-250-250(4)(b)</li> <li>Non-underlined portion of AAFCO and current WAC moved to proposed WAC 16-250-230(1)(a) through (c).</li> </ul>



# Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003

## AAFCO Model Regulations

## Current WAC

## Proposed WAC

## Comments

<p><b>Regulation 6. C 1 (con't)</b>            OPTIONAL: In addition to quality standards, testing on the same production runs or lots should include potential hazardous substances such as the following:</p> <ol style="list-style-type: none"> <li>Drugs suspected or known to be used in the feed or as a therapeutic treatment of the animals.</li> <li>Pesticides used on the animal, facilities, and wastes for pest control.</li> <li>Pathogenic organisms, at least to include <u>Salmonella</u> and <u>E. coli</u>.</li> <li>Heavy metals: arsenic, cadmium, copper, lead, mercury and selenium, at least.</li> <li>Parasitic larva or ova.</li> <li>Mycotoxins, such as aflatoxins.</li> </ol>		<p><b>WAC 16-256-040</b>            (5) Analysis of the samples used to determine if the processed animal waste meets the quality standards in WAC 16-256-070 must also include the following:</p> <ol style="list-style-type: none"> <li>Drugs used (or suspected of use) in feed or as a therapeutic treatment of the animals;</li> <li>Pesticides used on the animal, facilities, and wastes for pest control;</li> <li>Pathogenic organisms, at least to include <u>Salmonella</u> and <u>E. coli</u>;</li> <li>Heavy metals, including, but not limited to, arsenic, cadmium, copper, lead, mercury and selenium;</li> <li>Parasitic larva or ova; and</li> <li>Mycotoxins, such as aflatoxins.</li> </ol>	<p>There is a potential for animal and human health issues if drugs, pesticides, pathogens, heavy metals, parasites, or mycotoxins are present in too great of concentrations.</p>
<p><b>Regulation 6. C</b>            3. Sequential testing shall again be required when the periodic analyses required by paragraph (C)(2) of this section or other information available to the manufacturer of the ingredient indicates that:</p> <ol style="list-style-type: none"> <li>The ingredients are not within the limitations established in these regulations.</li> <li>Changes are made in the manufacturing process.</li> <li>New or expanded sources of the raw ingredients are used.</li> <li>Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).</li> </ol>		<p><b>WAC 16-256-040</b>            (6) Sequential testing is required when the periodic analyses required by WAC 16-256-040(4) or other information available to the manufacturer of the ingredient indicates that:</p> <ol style="list-style-type: none"> <li>The ingredients are not within the limitations established in these regulations;</li> <li>Changes are made in the manufacturing process;</li> <li>New or expanded sources of the raw ingredients are used; or</li> <li>Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).</li> </ol>	<ul style="list-style-type: none"> <li>Added to increase consistency with AAFCO and other states</li> </ul>
<p><b>Regulation 3. Registration</b>            Registration Required (Section 4, Model Bill).</p>	<p><b>WAC 16-200-900 Registration requirements.</b></p>	<p><b>WAC 16-250-050 Processed animal waste products – Commercial feed license required.</b></p>	
<p><b>Regulation 3. Registration</b>            A. No person shall sell, offer or expose for sale, or distribute in this state, any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed as defined in Section II prior to registering same with _____, as specified in Section 4 Model Bill.</p>	<p><b>WAC 16-200-900</b>            (1) No person shall sell, offer or expose for sale, or distribute in this state any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient as defined in chapter <a href="#">15.53</a> RCW prior to registering such animal waste product with the director of agriculture.</p>	<p>WAC 16-250-050            (1) A commercial feed license is required for each facility that manufactures or distributes processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient.</p>	<ul style="list-style-type: none"> <li>Substantially the same AAFCO and current WAC</li> <li>Rewritten for clarity</li> </ul>

## Commercial Feed Rules : Processed Animal Waste - Draft July 3, 2003

AAFCO Model Regulations	Current WAC	Proposed WAC	Comments
<b>Regulation 3. Registration</b> (B) Application for registration shall be made to the _____ on forms provided by the _____ and shall be accompanied by payment of the statutory registration fee as set forth in _____	<b>WAC 16-200-900</b> (2) Application for registration shall be made to the director of agriculture on forms provided by the department and shall be accompanied by payment of the statutory registration fees as set forth in chapter <a href="#">15.53</a> RCW. <b>WAC 16-200-900</b> (3) Applications for registration of animal waste products shall be accompanied by the following:	<b>WAC 16-250-050</b> (2) The commercial feed license application form, to be completed by applicants and licensees, must include the: (a) Name and business address of the applicant; (b) Type of business the firm is engaged in (feed manufacturer, dealer, broker, etc.); (c) Type of commercial feed distributed (processed animal waste product, medicated feed, complete feed, feed supplement, animal products, etc.); (d) The statutory registration fee of fifty dollars;	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Identified the fee in a separate subpart</li> </ul>
<b>Regulation 3. Registration</b> <b>(C) Application for registration shall be accompanied by the following:</b> 1. A copy of the label or tag which the applicant proposes to use for the processed animal waste product.	<b>WAC 16-200-900(3)</b> (a) A copy of the label which the applicant proposed to use for the processed animal waste product.	<b>WAC 16-250-050(2)</b> (e) A copy of the processed animal waste label that the applicant proposes to use;	Substantially the same as AAFCO and current WAC
2. A detailed description of the facilities, equipment and method of manufacture to be used in processing, manufacturing and testing of the processed animal waste product.			<ul style="list-style-type: none"> <li>Left out intentionally</li> <li>The department does not want to maintain engineering files on processors.</li> </ul>
3. A sampling schedule, a full description of all tests made, and the results, thereby purporting to show the processed animal waste product meets the standards of _____ and these rules and regulations for registration.	<b>WAC 16-200-900(3)</b> (b) A detailed description of the testing of the processed animal waste product, a sampling schedule and a full description of all tests made, and the results thereof purporting to show the processed animal waste product meets the standards of these rules and regulations for registration.	<b>WAC 16-250-050(2)</b> (f) A detailed description of sampling procedures used to sample the processed animal waste product for analysis; (g) A sampling schedule; (h) A full description of all tests made; and (i) Test results showing that the processed animal waste product meets the standards in WAC 16-256-070.	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Reformatted and rewritten for clarity</li> </ul>
	<b>WAC 16-200-900(3)</b> (c) The director may require an official sample of the processed animal waste product to be distributed in this state be taken for examination and analysis prior to approval of product registration.	<b>WAC 16-250-050</b> (3) The department may take an official sample of the processed animal waste product for examination and analysis before issuing a commercial feed license for a facility that manufactures or distributes processed animal waste products.	Substantially the same as current WAC
<b>Regulation 4. Registration Refused or Cancelled</b> (Section 4, Model Bill)	<b>WAC 16-200-910 Refusing or canceling registration—Procedure.</b>	<b>WAC 16-250-060 Procedures for denying or revoking a commercial feed license for a processed animal waste product facility.</b>	
<b>Regulation 4. Registration Refused or Cancelled</b> A. General--Registration of a processed animal waste product shall be refused if:	<b>WAC 16-200-910</b> (1) General provisions: Registration of a processed animal waste product will be refused or cancelled if:	<b>WAC 16-250-060</b> (1) A commercial feed license for a processed animal waste product facility will be denied or revoked if the:	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 4 A</b> 1. Applicant or the processed animal waste product is determined to be in violation of any state or federal statute or state agency rule or regulation affecting or relating to the sale of commercial feeds.	<b>WAC 16-200-910(1)</b> (a) The applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the sale of commercial feeds in this state.	<b>WAC 16-250-060(1)</b> (a) Applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the distribution of commercial feeds in this state.	Identical to current WAC and substantially the same as AAFCO.



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<b>Regulation 4 A</b> 3. The processed animal waste product does not meet the Quality Standards set forth in _____ Definitions, of this regulation.	<b>WAC 16-200-910(1)</b> (b) The processed animal waste product does not meet the Quality Standards as set forth in WAC <a href="#">16-200-920</a> of this order.	<b>WAC 16-250-060(1)</b> (b) Processed animal waste product does not meet the quality standards in WAC 16-256-070.	<ul style="list-style-type: none"> <li>Identical to AAFCO and current WAC</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 4 A</b> 4. The processed waste product is not labeled in compliance with law and agency rules and regulations, including Regulation 5 of these rules.	<b>WAC 16-200-910(1)</b> (c) The processed animal waste product is not labeled in compliance with the requirements of chapter <a href="#">15.53</a> RCW including the requirements as specified in WAC <a href="#">16-200-930</a> of this order.	<b>WAC 16-250-060(1)</b> (c) Processed animal waste product label does not comply with the requirements of chapter 15.53 RCW and WAC 16-256-030.	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 4 A</b> 5. Applicant or registrant fails to perform the testing as specified in Regulation 6 of these rules, or to accurately maintain and display to the _____ or his designee, upon demand, the records required.		<b>WAC 16-250-060(1)</b> (d) Processed waste product is not labeled in compliance with law and agency rules and regulations, including WAC 16-256-030 of these rules.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO</li> <li>Added to increase consistency with AAFCO and other states</li> </ul>
<b>Regulation 4</b> B. Registration may be refused pursuant to and in compliance with any statutory provisions authorizing the _____ to refuse registration.		<b>WAC 16-250-060(1)</b> (e) Applicant or licensee fails to perform the testing as specified in WAC 16-256-256 or to accurately maintain and make available to the director or his designee for inspection and copying, upon demand, the records required in WAC 16-256-080.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO</li> <li>Added to increase consistency with AAFCO and other states</li> </ul>
	<b>WAC 16-200-910</b> (2) The director shall notify the applicant of the manner in which the animal waste product or labeling, or other material required to be submitted with the application fails to comply with the provisions of this order so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections, the director shall refuse to register the processed animal waste product. The applicant may request a hearing as provided for in chapter <a href="#">34.04</a> RCW.	<b>WAC 16-250-060</b> (2)(a) When an animal waste product or labeling, or other material required to be submitted with an application fails to comply with the requirements of these rules, the director must notify the applicant why the application does not comply so the applicant can make the necessary corrections. (b) If, upon receipt of such a notice, the applicant does not make the necessary corrections, the director must deny the license application for the processed animal waste product facility. The applicant may then request a hearing under chapter 34.05 RCW.	<ul style="list-style-type: none"> <li>Substantially the same as current WAC</li> <li>Rewritten and reformatted for clarity</li> </ul>
<b>Regulation 4</b> C. Registration may be cancelled by the _____ if the product or registrant is found to be in violation of any provision of these regulations.	<b>WAC 16-200-910</b> (3) The director, when he determines that an animal waste product or its labeling do not comply with the provisions of chapter <a href="#">15.53</a> RCW or regulations adopted by this order, shall cancel the registration of such animal waste product after a hearing in accordance with the provisions of chapter <a href="#">34.04</a> RCW.	<b>WAC 16-250-060</b> (3) After determining that an animal waste product or its labeling does not comply with the provisions of chapter 15.53 RCW or WAC 16-256-030, the department may revoke the facility's license. If aggrieved by the decision, the licensee may request a hearing as authorized under chapter 34.05 RCW.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Rewritten for clarity</li> </ul>
		<b>WAC 16-250-070 Quality standards for processed animal waste products.</b>	

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	<b>WAC 16-200-920 Quality standards.</b>	<b>WAC 16-250-070</b> (1) Dried animal waste products must comply with the requirements in the following table:	Combined the information in current WAC 16-200-920(2), (3), (4) and (5) into one table for clarity and easy use. Revised percentages to meet current AAFCO feed ingredient definitions found on pages 304 and 305 of the 2003 AFFCO Official Publication except for moisture. AAFCO lists 15% maximum moisture on each product.																																															
	<b>WAC 16-200-920</b> (2) Dried poultry waste shall contain: (a) Not less than 20.00 percent crude protein (b) Not more than 15.00 percent crude fiber (c) Not more than 35.00 percent ash (d) Not more than 1.00 percent feathers (e) Not more than 12.00 percent moisture (f) Not more than 10.00 percent litter <b>WAC 16-200-920</b> (3) Dried poultry waste - NPN extracted shall contain: (a) Not less than 12.00 percent crude protein (b) Not more than 15.00 percent crude fiber (c) Not more than 35.00 percent ash (d) Not more than 1.00 percent feathers (e) Not more than 12.00 percent moisture (f) Not more than 10.00 percent litter <b>WAC 16-200-920</b> (4) Dried poultry litter shall contain: (a) Not less than 18.00 percent crude protein (b) Not more than 40.00 percent crude fiber (c) Not more than 30.00 percent ash (d) Not more than 5.00 percent feathers (e) Not more than 12.00 percent moisture <b>WAC 16-200-920</b> (5) Dried ruminant waste shall contain: (a) Not less than 12.00 percent crude protein (b) Not more than 30.00 percent crude fiber (c) Not more than 30.00 percent ash (d) Not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials (e) Not more than 12.00 percent moisture	<table><tr><th colspan="6">DRIED ANIMAL WASTE PRODUCTS</th></tr><tr><th></th><th>Required Mini- mum/Maximum Content</th><th>Dried Poultry Waste</th><th>Dried Poultry Waste-NPN Extracted</th><th>Dried Poultry Litter</th><th>Dried Ruminant Waste</th></tr><tr><td>Crude protein</td><td>At least</td><td>18.00%</td><td>11.00%</td><td>18.00%</td><td>12.00%</td></tr><tr><td>Crude fiber</td><td>No more than</td><td>15.00%</td><td>15.00%</td><td>25.00%</td><td>40.00%</td></tr><tr><td>Moisture</td><td>No more than</td><td>12.00%</td><td>12.00%</td><td>12.00%</td><td>12.00%</td></tr><tr><td>Ash</td><td>No more than</td><td>30.00%</td><td>30.00%</td><td>20.00%</td><td>30.00%</td></tr><tr><td>Feathers</td><td>No more than</td><td>1.00%</td><td>1.00%</td><td>4.00%</td><td>N/A</td></tr><tr><td>Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar ex- traneous materials</td><td>No more than</td><td>N/A</td><td>N/A</td><td>N/A</td><td>40.00%</td></tr></table> <p>Note: Rational for keeping the maximum percentage moisture at 12% rather than raising it to 15% as in the AAFCO feed ingredient definitions. Current WAC 16-200-920(6) and proposed WAC 16-250-230(5) limits the maximum moisture to 12% for any product labeled as or containing dried animal waste products to aid in main- taining a stable microbiological quality. The department recognizes that grain will mold at 15% moisture without a mold inhibitor. The department also recognizes that when mixed with other feed ingredients, animal waste at 15% moisture may not act the same as grains alone. The department has requested advice from several re- searchers around the country, but has not received a definitive answer at the time of publication. If research is found, prior to the final adoption of the proposed WAC, that indicates dried animal waste at 15% moisture can be safely mixed with grains the proposed WAC will be changed.</p>	DRIED ANIMAL WASTE PRODUCTS							Required Mini- mum/Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poultry Litter	Dried Ruminant Waste	Crude protein	At least	18.00%	11.00%	18.00%	12.00%	Crude fiber	No more than	15.00%	15.00%	25.00%	40.00%	Moisture	No more than	12.00%	12.00%	12.00%	12.00%	Ash	No more than	30.00%	30.00%	20.00%	30.00%	Feathers	No more than	1.00%	1.00%	4.00%	N/A	Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar ex- traneous materials	No more than	N/A	N/A	N/A	40.00%
DRIED ANIMAL WASTE PRODUCTS																																																		
	Required Mini- mum/Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poultry Litter	Dried Ruminant Waste																																													
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Moisture	No more than	12.00%	12.00%	12.00%	12.00%																																													
Ash	No more than	30.00%	30.00%	20.00%	30.00%																																													
Feathers	No more than	1.00%	1.00%	4.00%	N/A																																													
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## AAFCO Model Regulations

## Current WAC

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## Comments

	<b>WAC 16-200-920</b> (1) No processed animal waste product shall contain any extraneous materials such as, but not limited to, metal, glass, wire or nails, except as set forth in WAC <a href="#">16-200-920</a> (5)(d) and (6) of this order.	<b>WAC 16-250-070</b> (2) Processed animal waste products must not contain: (a) Any extraneous materials such as, but not limited to, metal, glass, wire or nails (except for undried processed animal waste products in subsection (4) of this section and dried ruminant waste products in subsection (6) of this section); or	Substantially the same as current WAC
<b>Regulation 4 A</b> 2. The processed animal waste product contains any pathogenic organisms, drug residues, pesticide residues, harmful parasites, or other toxic or deleterious substances above levels permitted by (State regulations), Federal Food, Drug, and Cosmetic Act, Sections 406, 408, 409 and 706, or which could be harmful to animals, or which could result in residue in the tissue or by-products of animals above levels determined and promulgated in regulations by the _____ to be harmful.	<b>WAC 16-200-920</b> (8) Processed animal waste products shall not contain any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC <a href="#">16-200-930</a> (1)(a) or other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products or by-products of animals at levels in excess of those allowed by statute or regulation.	<b>WAC 16-250-070(2)</b> (b) Any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC 16-256-030(1); or (c) Other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products; or (d) By-products of animals at levels in excess of those allowed by statute or regulation.	<ul style="list-style-type: none"> <li>• Identical to AAFCO and current WAC</li> <li>• Rewritten and reformatted for clarity</li> </ul>
	<b>WAC 16-200-920</b> (9) Processed animal waste products shall not contain aflatoxin in excess of 20 parts per billion (ppb) and shall not contain more than a total of 500 parts per million (ppm) of heavy metals as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin.	<b>WAC 16-250-070</b> (3) Processed animal waste products must not contain: (a) Aflatoxin in excess of 20 parts per billion (ppb); and (b) More than a total of 500 parts per million (ppm) of heavy metals such as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin.	<ul style="list-style-type: none"> <li>• Identical to current WAC</li> <li>• Rewritten and reformatted for clarity</li> </ul>
	<b>WAC 16-200-920</b> (6) Undried processed animal waste products shall contain not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.	<b>WAC 16-250-070</b> (4) Undried processed animal waste products must contain no more than forty percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.	Identical to current WAC
	<b>WAC 16-200-920</b> (7) Any product labeled as, or containing dried animal waste products, shall be maintained at 12.00 percent moisture or less, to aid in maintaining a stable microbiological quality.	<b>WAC 16-250-070</b> (5) To aid in maintaining a stable microbiological quality, any product labeled as, or containing dried animal waste products, must be maintained at no more than twelve percent moisture.	<ul style="list-style-type: none"> <li>• Substantially the same as current WAC</li> <li>• Rewritten for clarity</li> </ul>

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## Current WAC

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<b>Regulation 6. C</b> 2. Following the initial sequential testing, periodic analyses shall be conducted on production runs no less than one (1) each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. <u>Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, shall be diverted to non-feed uses, or destroyed.</u>	<b>WAC 16-200-940(4)</b> (b) Following the initial sequential testing, periodic analyses shall be conducted on production runs, no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. <u>Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, or shall be diverted to nonfeed or nonfood uses, or destroyed.</u>	<b>WAC 16-250-070</b> (6) Any processed animal waste product that does not meet the applicable quality standards must be: (a) Further processed until the quality standards are met; or (b) Diverted to nonfeed or nonfood uses; or (c) Destroyed.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Underlined portion of AAFCO and current WAC corresponds to proposed WAC.</li> <li>The non-underlined portion of AAFCO and current WAC corresponds to proposed WAC 16-250-250(4)(b).</li> </ul>
<b>Regulation 7. Records Required</b>	<b>WAC 16-200-950 Records required.</b>	<b>WAC 16-250-080 Records required for processed animal waste products.</b>	
<b>Regulation 7.</b> Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two (2) years, accurate records of:	<b>WAC 16-200-950</b> (1) Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two years, accurate records containing at least the following information:	WAC 16-250-080 <b>WAC 16-256-080 Records required for processed animal waste products.</b> Any licensed processed animal waste product facility must keep accurate records for two years containing the following information:	<ul style="list-style-type: none"> <li>Identical to AAFCO and current WAC</li> <li>Rewritten and reformatted for clarity</li> </ul>
<b>Regulation 7.</b> A. All sources of raw materials and date acquired, <u>including information on drugs and pesticide usage.</u>	<b>WAC 16-200-950(1)</b> (a) All sources of raw materials used in the production of processed animal waste products and the date acquired.	WAC 16-250-080 (1) All sources of the raw materials used in the production of processed animal waste products and the date those raw materials were acquired including information on drug and pesticide use.	<ul style="list-style-type: none"> <li>Added underlined portion of AAFCO to increase consistency with AAFCO and other states</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 7.</b> B. All production output, including a code or other method to identify the date of production.	<b>WAC 16-200-950(1)</b> (b) All production batches of processed animal waste products including a code or other method to identify the batch or date of production.	<b>WAC 16-250-080</b> (2) All production batches of processed animal waste products including the code or other method used to identify the batch or date of production.	<ul style="list-style-type: none"> <li>Identical to AAFCO and current WAC</li> <li>Rewritten for clarity</li> </ul>
<b>Regulation 7.</b> C. All sales and distribution, including the name and address of the purchaser or to whom distributed, date, quantity and production code.	<b>WAC 16-200-950(1)</b> (c) All <u>sales and</u> distribution of processed animal waste products including the name and address of the purchaser or to whom distributed, the date, quantity and production code.	<b>WAC 16-250-080</b> (3) All distribution of processed animal waste products including the: (a) Name and address of the purchaser or to whom the product was distributed; (b) Date the product was distributed; (c) Quantity of the product distributed; and (d) Production code for the product distributed.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Rewritten and reformatted for clarity</li> <li>Deleted "sales and" since distribution by definition includes sales.</li> </ul>
<b>Regulation 7.</b> D. Sampling and assay records of the testing required by Regulation 6 of this regulation.	<b>WAC 16-200-950(1)</b> (d) Sampling and assay records of the testing required by WAC <u>16-200-940</u> of this order.	<b>WAC 16-250-080</b> (4) Test sampling and analysis records required by WAC 16-256-040.	<ul style="list-style-type: none"> <li>Substantially the same as AAFCO and current WAC</li> <li>Rewritten for clarity</li> </ul>